

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:21-cv-260-MOC-WCM**

**SCHUMACHER HOMES, INC.,  
and RICHARD SMOTHERS,**

**Plaintiffs,**

**vs.**

**KEITH BUCHANAN and  
DIANNA BUCHANAN,  
individually,**

**Defendants.**

**ORDER**

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This matter is before the Court on the parties' Consent Motion for Confidentiality Order (Doc. 42) and proposed Consent Order for Confidentiality.

Parties often request, and the Court often enters, consent protective orders pursuant to Rule 26(c) of the Federal Rules of Civil Procedure that are intended to protect the confidentiality of limited categories of relevant information that may need to be disclosed during the course of discovery, such as proprietary and commercially sensitive information.

Here, the Motion states that the parties have agreed that "certain documents that will be exchanged between them during the course of this action will contain sensitive information" and that a confidentiality order "is

required to prevent unnecessary disclosure of such sensitive information.” Doc. 42 at 1.

The proposed Order that has been presented, though, is exceedingly broad. By way of example, the proposed Order states that its purpose is “to protect the confidentiality of any and all communications made between the parties and certain documentation disclosed during the course of litigation.” Further, it deems “[a]ll communication between the parties, whether written or oral” to be confidential and gives the parties the ability to designate as confidential documents that an attorney has in good faith determined contain “information protected from disclosure by statute, a violation of privacy interests, a lack of fairness and efficiency, sensitive personal information, trade secrets, or confidential research, development, or commercial information.”

Assuming, perhaps generously, that such an expansive protective order might be appropriate under the Rules in some circumstances, the need for such an order in this case is not apparent on the current record. In addition, an order of this breadth could create unnecessary administrative issues as the case proceeds, since presumably confidentiality concerns could arise each time a party submits any exhibit in support of any motion.

Accordingly, the parties' Consent Motion for Confidentiality Order (Doc. 42) is **DENIED WITHOUT PREJUDICE**. The parties remain free to submit a renewed motion and proposed order that addresses the concerns described herein.

It is so ordered.

Signed: January 9, 2023

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

